

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

ANDREA YOUNG,)	
Plaintiff,)	Cause No.
v.)	
STATE FARM FIRE AND CASUALTY)	
COMPANY,)	PERSONAL INJURY
SERVE: JOHN M. HUFF)	JURY TRIAL DEMANDED
Director of Insurance)	
301 W. High Street, #530)	
Jefferson City, Missouri 65101)	
Defendant.)	

PETITION

Comes Now Plaintiff Andrea Young, by and through his attorneys, DeFeo & Kolker and Scott L. Kolker, for his cause of action against Defendant, states as follows:

1. At all times pertinent herein, Defendant State Farm Fire and Casualty Company was a corporation and/or insurance company duly organized and authorized to do business in the State of Missouri, maintaining offices located in the City of St. Louis, State of Missouri for the usual and customary transaction of its business and conducting business as a liability insurer.
2. At all times pertinent herein, southbound Interstate 55, at or near Ramsey Creek, was an open and public street and highway located in the City of St. Louis, State of Missouri.
3. On or about February 20, 2016, Plaintiff was operating a vehicle southbound on Interstate 55, crossing Ramsey Creek when an unknown phantom driver suddenly changed lanes into plaintiff's lane of travel, forcing Plaintiff to travel off the left side of the roadway and strike a bridge rail.

4. The unknown phantom driver was negligent and failed to exercise the highest degree of care in one or more of the following respects:

- a. The unknown phantom driver failed to keep a careful lookout;
- b. The unknown phantom driver failed to yield the right of way to plaintiff.

5.] Such negligence of the unknown phantom driver directly caused or directly contributed to cause Plaintiff to sustain multiple injuries including a laceration and abrasions to his left leg; medical and other health care related expenses have been incurred in the approximate amount of \$30,000.00 in connection with said injuries and Plaintiff will in the future incur additional monies for further medical care and services; all the aforesaid injuries are permanent and progressive and greatly interfere with Plaintiff's ability to enjoy life; he has and will continue to suffer pain and discomfort.

6. On or about February 20, 2016, at the time the collision which is the basis of this lawsuit, a policy or policies of insurance were issued by Defendant which covered the vehicle being operated by Plaintiff and was in full force and effect. The policy of insurance bears policy number 327675125 and provided uninsured vehicle coverage for an insured, including Plaintiff, who sustained injury caused by an accident arising out of the use of an uninsured motor vehicle.

7. The unknown phantom driver, at the time of the said collision, was an uninsured motor vehicle as defined by the above-mentioned insurance policy or policies.

8. Under the provisions of the aforementioned policy, Defendant agreed to pay all sums which the occupant of an insured vehicle might be legally entitled to recover from the owner or operator of an uninsured motor vehicle because of bodily injury, sickness or disease

sustained by the occupant of the insured vehicle caused by accident and arising out of the ownership, maintenance or use of such uninsured vehicle.

9. All conditions precedent to the obligation of Defendant to pay its obligation under said contract of insurance have been met or satisfied. Plaintiff complied with the terms and conditions of said insurance policy.

10. Defendant after demand, failed and refused to pay Plaintiff his damages under the "uninsured motorist" provisions of the above referenced policy. Defendant's vexatious refusal entitles Plaintiff to additional damages pursuant to Mo.Rev.Stat. §375.420.

WHEREFORE, Plaintiff Andrea Young prays judgment against Defendant for such sums as are fair and reasonable in the excess of the jurisdictional limits of all inferior trial courts, costs expended herein, together with additional statutory damages for vexatious refusal and for such other relief as may be appropriate under the circumstances.

Respectfully submitted,

DEFEO & KOLKER, LLC

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